

## Message Text

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INFO OCT-01 EA-07 NEA-10 ISO-00 SAL-01 FEA-01 ACDA-07

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COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

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CINCPAC AND USCINCEUR FOR POLADS

E.O. 11652: GDS

TAGS: PLOS  
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SUBJECT: LOS - FIFTH SESSION OF THE UN LAW OF THE SEA  
CONFERENCE, NEW YORK, AUGUST 2 - SEPTEMBER 17,1976  
REF: SECRETARY KISSINGER'S APRIL 8 SPEECH, NEW YORK  
(STATE 84997 AND STATE 85109)

SUMMARY: THE FIFTH SESSION OF THE UN LAW OF THE SEA CONFERENCE WHICH MEETS IN NEW YORK, AUGUST 2-SEPTEMBER 17, COULD WELL DETERMINE WHETHER OR NOT THESE NEGOTIATIONS WILL BE SUCCESSFUL. OUR BASIC OBJECTIVE AT THIS SESSION WILL BE TO WORK VIGOROUSLY TOWARD A SUBSTANTIVE AGREEMENT ON THE MAJOR OUTSTANDING ISSUES, SPECIFICALLY DEEP SEABED MINING, MARINE SCIENTIFIC RESEARCH AND THE STATUS OF THE ECONOMIC ZONE. AT THE FORTHCOMING SESSION WE MUST PRESERVE THE NATIONAL SECURITY AND OTHER GAINS WE HAVE ALREADY MADE AND ALSO PROTECT OUR INTERESTS IN OTHER AREAS - NOTABLY ON ECONOMIC ISSUES - WHERE WE ALSO HAVE IMPORTANT INTERESTS AND WHICH WILL BE CRITICAL TO THE RATIFICATION PROCESS.

THIS TELEGRAM DISCUSSES THE SPECIFIC OBSTACLES WHICH MUST BE OVERCOME TO REACH SUBSTANTIVE AGREEMENT ON AN LOS TREATY WHICH IS ACCEPTABLE TO THE US. IT ALSO DISCUSSES THE GENERAL ATTITUDES OF MAJOR GROUPINGS OF NATIONS PARTICIPATING IN THE LOS CONFERENCE. THE INFORMATION IN PARAGRAPHS 1 THROUGH 9 ARE STRICTLY FOR YOUR INFORMATION AND BACKGROUND. IT IS DESIGNED TO GIVE YOU A FULLER APPRECIATION OF THE NEGOTIATING SITUATION WHICH WILL FACE THE US DELEGATION AT THE AUGUST-SEPTEMBER SESSION OF THE LOS CONFERENCE. ALTHOUGH MORE SPECIFIC INSTRUCTIONS MAY BE SENT SUBSEQUENTLY TO CERTAIN POSTS, WE DO NOT SEE THE NEED FOR YOU TO MAKE A SPECIFIC DEMARCHE TO HOST GOVERNMENTS AT THIS TIME. WE PROVIDE IN PARAGRAPHS 10 AND 11 GENERAL GUIDANCE WHICH YOU SHOULD FOLLOW WHEN DISCUSSING THE FORTHCOMING LOS CONFERENCE WITH HOST GOVERNMENT OFFICIALS IN THE NORMAL COURSE OF BUSINESS. NOTE PARTICULARLY THAT SECRETARY KISSINGER PLANS TO ATTEND THE CONFERENCE. END OF SUMMARY

1. THE UN LAW OF THE SEA CONFERENCE WILL RECONVENE IN NEW YORK ON AUGUST 2, FOR A SESSION OF SEVEN WEEKS. THE US BELIEVES THAT THESE NEGOTIATIONS ARE AMONG THE MOST IMPORTANT SINCE THE END OF WORLD WAR II, AND THE  
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COMING SESSION COULD WELL DETERMINE WHETHER OR NOT THESE NEGOTIATIONS WILL BE SUCCESSFUL. OUR BASIC OBJECTIVE IS SUBSTANTIVE AGREEMENT ON ACCEPTABLE TERMS AT THE NEW YORK SUMMER SESSION LOOKING TO DRAFTING COMMITTEE WORK THEREAFTER AND SIGNATURE OF THE FINAL TREATY IN THE FIRST QUARTER OF 1977. IF THE REVISED SINGLE NEGOTIATING TEXT (RSNT) ISSUED AT THE END OF THE MARCH-MAY SESSION IS ACCEPTED AS THE BASIS FOR NEGOTIATION, AS WE HOPE, AND WE ARE ABLE TO REMEDY THE REMAINING SERIOUS DEFECTS IN THE RSNT, THE CONFERENCE COULD REACH SUBSTANTIVE AGREEMENT ON THE MAJOR ISSUES, IF ON THE OTHER HAND, THE MORE

RADICAL MEMBERS OF THE GROUP OF 77 HAVE THEIR WAY, THE COM-

MITTEE 1 (DEEP SEABEDS) TEXT MAY BE MOVED BACK TOWARD THE COMPLETELY UNACCEPTABLE SNT. A THIRD POSSIBILITY ALSO EXISTS: A STANDOFF BETWEEN THE INDUSTRIALIZED STATES, LED BY THE US, ON THE ONE HAND; AND THE LDCS ON THE OTHER., RESULTING IN NO SUBSTANTIAL MOVEMENT EITHER WAY. IN EITHER OF THE LATTER CASES WE MAY NOT BE ABLE TO RESTORE THE MOMENTUM TOWARD AN ACCEPTABLE COMPREHENSIVE LOS TREATY. THE FORTHCOMING SESSION IS THEREFORE CRUCIAL: WE ARE APPROACHING IT WITH THE FULLEST DETERMINATION TO MAKE IT SUCCEED. THE HIGH IMPORTANCE WE ATTACH TO THIS NEXT SESSION IS ATTESTED BY THE FACT THAT THE PRESIDENT HAS ASKED THE SECRETARY OF STATE PERSONALLY TO LEAD THE US DELEGATION.

2. WE HAVE BEEN GRATIFIED BY THE PROGRESS MADE AT THE SPRING SESSION OF THE CONFERENCE, AND ALTHOUGH MANY SERIOUS ISSUES REMAIN TO BE RESOLVED, WE BELIEVE THAT THE INTERESTS OF THE UNITED STATES ARE BEING SUBSTANTIALLY ADVANCED. WE HAVE OBTAINED SIGNIFICANT PROGRESS ON NAVIGATION AND THE ESTABLISHMENT OF A 200-MILE ECONOMIC ZONE WHICH WOULD GIVE THE US BROAD JURISDICTION OVER OUR ESSENTIAL RESOURCES.

3. IN ADDITION, THE RSNT CONTAINS BASICALLY ACCEPTABLE

ARTICLES LIMITING THE TERRITORIAL SEA TO A MAXIMUM BREADTH OF 12 MILES; PROVIDING FOR UNIMPEDED PASSAGE THROUGH AND OVER STRAITS USED FOR INTERNATIONAL NAVIGATION; AND  
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FREEDOM OF NAVIGATION AND OVER FLIGHT BEYOND 12 MILES. THE IMPORTANCE OF SECURING THESE PROVISIONS IN A WIDELY ACCEPTED TREATY IS PERHAPS BEST ILLUSTRATED BY FACT THAT CERTAIN COASTAL STATES ARE CONTINUING TO MAKE TERRITORIAL SEA CLAIMS BEYOND 12 MILES; OTHERS ARE CLAIMING 200-MILE ECONOMIC ZONES WHICH ARE NOW, OR MAY WELL BECOME, VIRTUALLY INDISTINGUISHABLE FROM TERRITORIAL SEAS. THERE ARE SCARCELY ANY AREAS BEYOND 200 MILES FROM SOMEONE'S COAST IN THE CARIBBEAN, THE MEDITERRANEAN, THE RED SEA, THE BALTIC SEA, THE BLACK SEA, THE PERSIAN GULF, THE SEA OF JAPAN AND THE AREA BETWEEN SOUTHEAST ASIA AND AUSTRALIA.

4. AT THE FORTHCOMING SESSION WE MUST PRESERVE THE SECURITY AND OTHER GAINS WE HAVE ALREADY MADE AND ALSO PROTECT OUR INTERESTS IN OTHER AREAS--NOTABLY ON ECONOMIC ISSUES--WHERE WE ALSO HAVE IMPORTANT INTERESTS AND WHICH WILL BE CRITICAL TO THE RATIFICATION PROCESS.

5. THE DEEP SEABEDS REGIME AND MACHINERY REMAIN THE SINGLE MOST COMPLEX AND FORMIDABLE OF THE OUTSTANDING ISSUES. AT STAKE IS ACHIEVEMENT OF A REGIME PERMITTING THE ORDERLY DEVELOPMENT OF AN ENORMOUS SOURCE OF

ECONOMICALLY IMPORTANT MINERALS OF WHICH THE UNITED STATES IS THE MOST IMPORTANT CONSUMER AND A NET IMPORTER. WE COULD NOT AGREE TO AN UNSATISFACTORY REGIME BECAUSE IT MIGHT PREVENT OR SIGNIFICANTLY DELAY EXPLOITATION OF THESE RESOURCES OF THE SEABED. IN AN EFFORT TO ACHIEVE AN AGREED REGIME, WE HAVE ALREADY INDICATED THAT WE CAN ACCEPT REVENUE-SHARING WITH THE INTERNATIONAL SEABED RESOURCE AUTHORITY AND A RESERVATION OF HALF THE MINING SITES FOR EXPLOITATION DIRECTLY BY THE AUTHORITY OR THE LDC'S. WE FACE SOME FURTHER PRESSURE FROM LDCS, AND TO A DEGREE FROM DEVELOPED COUNTRY COMPETITORS, TO ACCEPT DIFFERENT KINDS OF MEASURES WHICH WOULD LIMIT SEABED MINING BY US FIRMS AND INCREASE THE POWER OF THE INTERNATIONAL SEABED AUTHORITY TO CONTROL SEABED ACTIVITIES, WHILE LIMITING THE VOICE OF THE UNITED STATES IN THE AUTHORITY.

6. THE SPECIFIC OBSTACLES WHICH MUST BE OVERCOME TO  
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REACH SUBSTANTIVE AGREEMENT ON AN LOS TREATY ARE SIGNIFICANT; THERE IS AS YET NO AGREEMENT ON THEM.

A. THE RSNT CONSTITUTES THE ENTERPRISE (THE DIRECT EXPLOITATION ARM OF THE INTERNATIONAL AUTHORITY) BUT DOES NOT SPELL OUT HOW THE ENTERPRISE CAN DEVELOP INTO A GOING CONCERN. MANY LEADING LDCS FEAR THAT THE ENTERPRISE WILL NEVER ACTUALLY MINE. A FORMULA FOR PUTTING THE ENTERPRISE INTO BUSINESS MUST BE FOUND WHICH WILL SATISFY THE CONCERNS OF THE LDC'S AND AT THE SAME TIME BE FINANCIALLY AND ECONOMICALLY ACCEPTABLE TO THE UNITED STATES AND OTHER INDUSTRIALIZED NATIONS.

B. HOW THE DECISION-MAKING APPARATUS OF THE SEABED AUTHORITY IS TO BE CONSTITUTED. THE US WANTS A COMPOSI-

TION AND VOTING STRUCTURE OF THE COUNCIL WHICH GIVES US CLOSE TO A VETO ON ISSUES OF BASIC ECONOMIC INTEREST TO THE US BUT ALLOWS POSITIVE ACTION ON SUCH QUESTIONS AS THE AWARDED OF CONTRACTS. MANY OF THE PROPOSALS WHICH WOULD ACCOMPLISH OUR AIMS ARE IDEOLOGICALLY UNPALATABLE TO MANY IF NOT MOST LDCS.

C. THE QUESTION OF WHETHER THERE SHOULD BE A QUOTA ON THE NUMBER OF SEABED MINE SITES OR A LIMITATION ON THE PERCENTAGE OF THE SEABED PRODUCTION THAT ANY ONE STATE MAY ENJOY. WE ARE AGAINST ANY SUCH ARBITRARY LIMITATION.

ON THIS ISSUE OUR OPPOSITION, AT LEAST AT THIS POINT, IS NOT FROM LDCS BUT FROM OTHER INDUSTRIALIZED STATES WHO FEAR OUR TECHNOLOGICAL LEAD IN THIS AREA.

D. IN THE PAST ONE OF THE MOST CONTENTIOUS ISSUES HAS BEEN BY WHOM AND UNDER WHAT CONDITIONS THE RESOURCES OF THE DEEP SEABED ARE TO BE EXPLOITED. THIS APPEARS TO HAVE BEEN SETTLED. THE RSNT CALLS FOR A PARALLEL SYSTEM OF EXPLOITATION, UNDER WHICH THE SEABED RESOURCES WOULD BE EXPLOITED DIRECTLY BY THE INTERNATIONAL SEABED AUTHORITY (THE ENTERPRISE) AND BY STATES OR THEIR NATIONALS THROUGH CONTRACTS WITH THE AUTHORITY. THERE IS ALSO A PROVISION FOR AN APPROXIMATELY 50-50 DIVISION OF SITES

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BETWEEN THE ENTERPRISE AND NATION STATES OR THEIR FIRMS. WE ACCEPT THIS FORMULA ON THE UNDERSTANDING THAT THERE WILL BE GUARANTEED ACCESS TO MINING SITES BY US FIRMS. SOME LDC'S, HOWEVER, INCLUDING SOME OF THE MOST INFLUENTIAL, MAY CHALLENGE THIS ARRANGEMENT AND DEMAND THAT THE ENTERPRISE HAVE AN ABSOLUTE MONOPOLY IN EXPLOITING THE RESOURCES.

E. THE QUESTION OF WHETHER OR NOT COASTAL STATE RIGHTS IN THE 200-MILE ECONOMIC ZONE ARE TO BE ESSENTIALLY RESTRICTED TO EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE AREA AND TO CERTAIN OTHER ENUMERATED RIGHTS INCLUDING CONTROL OF POLLUTION, WITH OTHER RIGHTS REMAINING WITH THE INTERNATIONAL COMMUNITY UNDER A HIGH SEAS REGIME. MOST OF THE DEVELOPED WORLD, INCLUDING THE US, ADVOCATES SUCH A LIMITATION ON COASTAL STATE RIGHTS BECAUSE OF THE IMPORTANCE OF NOT INFRINGING UPON THE FREEDOM OF NAVIGATION AND OTHER HIGH SEAS RIGHTS. IN PARTICULAR WE HAVE IMPORTANT SECURITY INTERESTS IN ENSURING THE HIGH SEAS STATUS OF THE ECONOMIC ZONE. MANY DEVELOPING COASTAL STATES, ON THE OTHER HAND, REGARD SUCH A LIMITATION AS AN ENCROACHMENT ON THEIR RIGHTS AND A POTENTIAL THREAT TO THEIR SECURITY AND WOULD LIKE THE ECONOMIC ZONE TO BE DESIGNATED AS NEITHER TERRITORIAL SEA NOR HIGH SEAS, BUT SUI GENERIS. THE US IS CONCERNED THAT SO DESIGNATING AN ECONOMIC ZONE MIGHT IN TIME LEAD TO IT BECOMING THE FUNCTIONAL EQUIVALENT OF THE TERRITORIAL SEA. SINCE THIS IS A VITAL SECURITY INTEREST OF THE US, WE COULD NOT COUNTENANCE TREATY PROVISIONS WHICH ENDOW THE ECONOMIC ZONE WITH TERRITORIAL OR POTENTIALLY TERRITORIAL STATUS.

F. THE EXTENT OF COASTAL STATE CONTROL OVER MARINE SCIENTIFIC RESEARCH IN ITS ECONOMIC ZONE WHICH IS NOT

RELATED TO THE EXPLORATION FOR OR EXPLOITATION OF RESOURCES. THE US HAS LONG PRESSED FOR THE MAXIMUM FREEDOM OF SCIENTIFIC RESEARCH. WE ACCEPTED (IN THE SECRETARY'S APRIL 8 SPEECH) THAT RESOURCE RELATED RESEARCH IN THE ECONOMIC ZONE COULD BE SUBJECT TO COASTAL STATE CONSENT. MOST LDCS AND SOME DEVELOPED COUNTRIES, HOWEVER,

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INSIST UPON COASTAL STATE CONSENT FOR ALL SCIENTIFIC RESEARCH, REGARDLESS OF WHETHER IT IS RELATED TO RESOURCES OR NOT. THIS IS A VERY IMPORTANT ISSUE WHICH COULD RESULT IN THE TREATY NOT BEING RATIFIED BY THE SENATE UNLESS WE ACHIEVE ESSENTIAL FREEDOM FOR SUCH SCIENTIFIC RESEARCH, SUBJECT TO NOTICE TO AND PARTICIPATION BY THE COASTAL STATE.

G. WHETHER THE LOS TREATY SHOULD ADDRESS PERIPHERAL POLITICAL QUESTIONS SUCH AS THE RIGHTS OF TERRITORIES UNDER COLONIAL DOMINATION AND OTHER DEPENDENT TERRITORIES TO THE RESOURCES IN THEIR ECONOMIC ZONES. WE ARE BASICALLY OPPOSED TO ANY SUCH REFERENCE.

H. WHETHER THERE SHOULD BE A RESTRICTION ON THE AUTHORITY OF THE COASTAL STATE TO ESTABLISH VESSEL POLLUTION CONTROL REGULATIONS IN THE TERRITORIAL SEA BEYOND THE REQUIREMENT NOT TO HAMPER INNOCENT PASSAGE. THE US HAS ARGUED, WITH SUPPORT FROM A NUMBER OF DEVELOPING STATES, THAT THERE SHOULD BE NO SUCH RESTRICTIONS. A NUMBER OF MAJOR MARITIME NATIONS INSIST THAT THERE SHOULD BE NO COASTAL STATE RIGHT TO SET DESIGN, CONSTRUCTION, EQUIPMENT AND MANNING RESTRICTIONS. EXISTING US DOMESTIC LEGISLATION AUTHORIZES SUCH REGULATIONS, AND CONGRESS HAS BEEN INSISTENT THAT AN EVENTUAL TREATY NOT CIRCUMSCRIBE SUCH RIGHTS.

I. THE MECHANISM FOR COMPULSORY DISPUTE SETTLEMENT. THE CRUCIAL ISSUE IS THE APPLICABILITY OF THE DISPUTE SETTLEMENT PROVISIONS TO THE ECONOMIC ZONE. WHILE THE US SUPPORTS SUCH APPLICATION, THE LDC'S FOR THE MOST PART BELIEVE THAT IT SHOULD NOT APPLY TO RESOURCE QUESTIONS AND POSSIBLY MARINE SCIENTIFIC RESEARCH. WE HAVE SUPPORTED A DEEP SEABED TRIBUNAL FOR SEABED RELATED DISPUTES AND A SEPARATE LAW OF THE SEA TRIBUNAL AS A METHOD FOR SETTLING NON-SEABED LOS DISPUTES. A NUMBER OF OTHER INDUSTRIALIZED COUNTRIES OPPOSE THE ESTABLISHMENT OF NEW TRIBUNALS AND ADVOCATE EITHER USE OF THE INTERNATIONAL COURT OF JUSTICE OR MERELY ARBITRATION, OR NON-BINDING METHODS.

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7. IN ADDITION TO THE ABOVE ISSUES THERE ARE A NUMBER OF OTHER PROBLEMS WHICH AT THE MOMENT ARE IN THE BACKGROUND BUT COULD DEVELOP INTO MAJOR POINTS OF CONTENTION. THESE INCLUDE:

A. THE EXTENT TO WHICH LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS) WILL HAVE ACCESS TO THE RESOURCES (REALISTICALLY LIVING RESOURCES) OF THE ECONOMIC ZONE OF NEIGHBORING STATES. THIS IS AN ISSUE ON WHICH WE HAVE GENERALLY STOOD ASIDE SINCE IT HAS LITTLE DIRECT IMPACT ON US, AND BY TILTING TOWARD ONE GROUP OF STATES WE WOULD RISK ALIENATING THE OTHER. THE LL/GDS STATES REPRESENT A BLOCKING THIRD AT THE CONFERENCE, HOWEVER, AND WE MAY HAVE TO INVOLVE OURSELVES IN DEVELOPING AN EQUITABLE SOLUTION TO THIS PROBLEM.

B. INDONESIA AND THE PHILIPPINES CONTINUE TO PUSH FOR UNACCEPTABLE RESTRICTIONS ON PASSAGE THROUGH ARCHIPELAGOS. HOWEVER, WE HOPE THE MODERATE ARCHIPELAGIC STATES (E.G., FIJI, BAHAMAS, PAPUA NEW GUINEA) WILL RESIST THE PRESSURE.

C. THE QUESTION OF SPECIAL LIMITATIONS ON LARGE TANKERS IN THE MALACCA STRAITS MAY AFFECT THE ULTIMATE ACCEPTABILITY OF THE RSNT STRAITS ARTICLES TO MALAYSIA AND INDONESIA. THE ISSUE IS OF MAJOR ENVIRONMENTAL CONCERN TO MALAYSIA AND MAJOR ECONOMIC INTEREST TO JAPAN AND OTHERS. WE ARE TRYING PRIVATELY TO PROMOTE AGREEMENT ON A TRAFFIC SEPARATION SYSTEM (INCLUDING UNDER-KEEL CLEARANCE) ON MALACCA FOR SUBMISSION TO IMCO, WHICH ONCE APPROVED WOULD BECOME BINDING UNDER THE RSNT STRAITS ARTICLES.

8. DURING THE INTERSESSIONAL PERIOD, SENIOR MEMBERS OF THE US DELEGATION HAVE CONSULTED OFFICIALS OF THE FOLLOWING COUNTRIES: UK, FRANCE, JAPAN, FRG, NETHERLANDS, USSR, CANADA, SPAIN, MOROCCO, CHILE, MALAYSIA, GREECE, SENEGAL, KENYA, EGYPT, ISRAEL, INDONESIA, INDIA, MEXICO AND VENEZUELA. IN THESE CONSULTATIONS US OFFICIALS EMPHASIZED THE IMPORTANCE OF OBTAINING SUBSTANTIVE AGREEMENT AT THE NEXT SUMMER SESSION OF THE LOS CONFERENCE, AND SOUGHT CONFIDENTIAL

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SUPPORT FOR US POSITIONS OF MAJOR UNRESOLVED ISSUES. A FUNDAMENTAL AIM OF OUR INTERSESSIONAL STRATEGY HAS BEEN, AND WILL CONTINUE TO BE, TO LOOSEN OR BREAK UP UNFAVORABLE COMBINATIONS OF COUNTRIES WHICH OPPOSE OUR POLICIES. WE MUST CONTINUE TO WORK WITH SOME OF THE DEVELOPING COUNTRIES TO WEAKEN THE INFLUENCE OF THE MOST EXTREME COUNTRIES WITHIN THE NEGOTIATIONS AND TO ENCOURAGE

MODERATE COUNTRIES WHICH WILL WORK WITH US TO ACHIEVE A REASONABLE OVERALL TREATY PACKAGE. IN ADDITION, WE MUST CONTINUE TO EMPHASIZE IN ALL OUR CONTACTS THE LARGER STAKES OF EITHER SUCCESS OR FAILURE OF THE LOS CONFERENCE, HIGHLIGHTING WHENEVER APPROPRIATE THE DANGERS OF A BREAK-DOWN OF NEGOTIATIONS.

9. THE MAJOR GROUPS IN THE NEGOTIATIONS ARE THE GROUP OF FIVE (THE MAJOR INDUSTRIAL-MARITIME STATES); THE EASTERN EUROPEAN GROUP AND OTHER REGIONAL GROUPS; THE GROUP OF 77; THE COASTAL STATES AND THE LL/GDS.

A. THE GROUP OF FIVE (A CONFIDENTIAL, INFORMAL NEGOTIATING GROUP) HAS BEEN A MOST USEFUL GROUP TO ADVANCE OUR INTERESTS IN THESE NEGOTIATIONS. IT HAS BEEN ESPECIALLY HELPFUL ON NATIONAL SECURITY ISSUES. THERE ARE, HOWEVER, CERTAIN MAJOR SPLITS IN THE GROUP, I.E., THE QUOTA ISSUE (DEEP SEABED MINING), SCIENTIFIC RESEARCH AND COASTAL STATE VESSEL POLLUTION STANDARD SETTING IN THE TERRITORIAL SEA. NEVERTHELESS, IT IS IN OUR OWN INTEREST TO SOLIDIFY THE COHESION OF THE GROUP AND TO UTILIZE IT TO COORDINATE TACTICS. OUR RECENT MEETING IN LONDON INDICATES THAT MOST OF THE OTHER MEMBERS OF THE GROUP HAVE SIMILAR OBJECTIVES. THE GROUP AGREED TO MEET AT THE VERY BEGINNING OF THE NEXT SESSION TO CONTINUE ITS EFFORTS.

B. THE SOVIET UNION, AND THE EASTERN EUROPEAN GROUP HAVE SIMILAR NAVIGATIONAL OBJECTIVES TO OURS BUT HAVE NOT ALWAYS SUPPORTED US ON RESOURCE ISSUES AND SCIENTIFIC RESEARCH. THE SOVIETS HAVE MADE A LINKAGE OF THE QUOTA ISSUE, SCIENTIFIC RESEARCH AND PERHAPS FISHING RIGHTS UNDER OUR 200-MILE FISHERIES LEGISLATION. WE CAN EXPECT A DIFFICULT TIME IN RESOLVING THESE ISSUES.  
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C. THE EC-9 IS OPERATING MORE COHESIVELY THAN HERETOFORE. WE HAVE GAINED UK AND FRENCH SUPPORT IN THE GROUP OF FIVE SO THAT THEY WILL CONTINUE TO ATTEMPT TO BRING THE MORE CONSERVATIVE MEMBERS OF THE EC-9 ALONG ON CERTAIN RESOURCE ISSUES. MOREOVER, THE FRG HAS BEEN OUTSPOKEN IN SUPPORT OF OUR DEEP SEABED POSITIONS WITHIN THE EC-9.

D. THE GROUP OF 77, WHICH IS NOW MEETING IN NEW YORK TO COORDINATE ITS POSITIONS FOR THE NEXT SESSION OF THE CONFERENCE, IS SOMEWHAT MORE SPLINTERED IN THE NEGOTIATIONS THAN HERETOFORE WITH MANY STATES FOCUSING MORE ON THEIR INDIVIDUAL NATIONAL INTERESTS THAN ON GENERAL IDEOLOGICAL CONSIDERATIONS. NEVERTHELESS, THE GROUP OF 77 HAS THE CAPACITY TO OPPOSE US ON CERTAIN KEY ISSUES INCLUDING DEEP SEABED MINING. MOREOVER, AS A BLOC THEY HAVE A CONTROLLING VOTE IN THE CONFERENCE. WITH THE 77 WE WILL CONTINUE TO EMPHASIZE THE IMPORTANCE OF CONCLUDING THE CONFERENCE IN A MANNER WHICH ACCOMMODATES ALL STATES AND TO EMPHASIZE THE NEED TO FOCUS ON NATIONAL INTERESTS AS OPPOSED TO THE BLOC POSITIONS.

E. THE COASTAL STATE GROUP INCLUDES CANADA, NORWAY, MEXICO, PERU, CHILE, KENYA, INDIA, AUSTRALIA, NEW ZEALAND,



ICELAND, SENEGAL, INDONESIA AND SRI LANKA. IT REPRESENTS DIVERGENT INTERESTS ALTHOUGH THE MEMBERS ALL FAVOR MORE RATHER THAN LESS COASTAL STATE RIGHTS. THEY TEND TO BE INFLUENTIAL STATES IN THE NEGOTIATIONS. WE WILL CONTINUE TO DEAL WITH THE MEMBERS BILATERALLY RATHER THAN TO REINFORCE GROUP DYNAMICS.

F. REGARDING THE LL/GDS GROUP WE WILL BE CAUTIOUS IN TILTING TOWARDS OR AWAY FROM THIS GROUP BECAUSE OF ITS POTENTIAL IMPACT ON THESE NEGOTIATIONS. HOWEVER, OBTAINING THE SUPPORT OF THIS GROUP MAY BE ESSENTIAL TO PUTTING TOGETHER A FAVORABLE (TO THE US) BLOCKING THIRD TO PREVENT AN ADVERSE VOTE ON ISSUES CRITICAL TO US. END FYI.

10. THE DEPARTMENT HOPES THAT THE FOREGOING PARAGRAPHS WILL BE USEFUL TO POSTS IN GIVING A FULLER APPRECIATION OF THE COMPLEX LOS NEGOTIATIONS AND AS BACKGROUND FOR CONFIDENTIAL

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YOUR DISCUSSIONS WITH HOST GOVERNMENTS. THEY ARE NOT REPEAT NOT INTENDED TO BE THE BASIS OF APPROACHES TO GOVERNMENTS. NOR DO WE SEE THE NEED FOR POSTS TO MAKE SPECIFIC APPROACHES TO GOVERNMENT AT THIS TIME. YOU MAY, HOWEVER, DRAW ON FOLLOWING GUIDANCE, AS APPROPRIATE, WHEN DISCUSSING THE FORTHCOMING LOS CONFERENCE WITH HOST GOVERNMENT OFFICIALS IN THE NORMAL COURSE OF BUSINESS.

A. THE US IS APPROACHING THE SUMMER SESSION OF THE CONFERENCE WITH THE UTMOST SERIOUSNESS. IT IS OUR HOPE THAT THE SUMMER SESSION WILL BE ABLE TO RESOLVE THE MAJOR OUTSTANDING ISSUES ON ACCEPTABLE TERMS AND THAT ONLY DRAFTING COMMITTEE WORK WILL BE REQUIRED THEREAFTER WITH A TREATY READY FOR SIGNATURE IN THE FIRST QUARTER OF 1977. THE OPPORTUNITIES PRESENTED TO THE NATIONS PARTICIPATING IN THE CONFERENCE MUST BE SEIZED. THE URGENCY OF THE WORK OF THE CONFERENCE WAS ELABORATED BY SECRETARY KISSINGER IN HIS APRIL 8 SPEECH ON THE LAW OF THE SEA IN NEW YORK.

B. THE IMPLICATIONS OF FAILURE AT THE LOS CONFERENCE HAVE BECOME EVER MORE APPARENT. IT IS OBVIOUS THAT NATIONS ARE BECOMING IMPATIENT WITH THE PACE OF THE CONFERENCE AND THAT WE MUST BEND EVERY EFFORT TO REACH AN EARLY, ACCEPTABLE CONCLUSION.

C. THE REVISED SINGLE NEGOTIATING TEXT (RSNT) IS, IN OUR VIEW, AN IMPROVEMENT OVER THE GENEVA SNT AND FORMS A SATISFACTORY BASIS FOR NEGOTIATION, THOUGH IT CONTAINS SIGNIFICANT ELEMENTS WHICH ARE NOT ACCEPTABLE TO US, ESPECIALLY ON DEEP SEABED MINING, SCIENTIFIC RESEARCH AND THE STATUS OF THE ECONOMIC ZONE.

11. SECRETARY KISSINGER PLANS TO ATTEND THE CONFERENCE.  
DETAILS REGARDING THE SECRETARY'S PARTICIPATION WILL BE  
FURNISHED IN A SUBSEQUENT MESSAGE. KISSINGER

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